

GRANTS OF EASEMENT

5015

(May 1988)

The authority to give or to accept rights-of-way on behalf of CDF is vested in the Director of General Services.

EASEMENTS ACROSS STATE FOREST LANDS

5015.1

(May 1988)

It is desirable to grant rights-of-way across state forests to forest-product operators or other parties who need them in the course of their operations, if such rights-of-way do not interfere with the primary use of the state forests by the state. A charge generally will be made for an easement across state forests unless the benefit to the state from the grant is the overriding consideration. Environmental impact assessment documentation will be done in accordance with the latest statewide guidelines.

Department personnel will not negotiate the terms and conditions of any proposed grant until the Department of General Services has determined the consideration to be charged and has reviewed a proposed form of grant. When approached by an applicant for an easement, the CDF officer will advise him/her to make his/her request in writing, giving the following information:

- Course and distance of desired easement.
- Width of easement.
- Use to be made of state land.
- Time period of easement.
- Status of applicant (i.e., person, firm, corporation, etc.).
- Environmental impact assessment.

The region chief will refer this application with all pertinent information about the applicant to the Director, making recommendations and identifying possible alternate routes, effects upon other uses of the state forest, value of the easement to the state, if any, etc.

The type of use anticipated will determine the amount of detail needed. For a simple, short access road to a dwelling, a sketch map and a short description may be sufficient. For a heavy-duty logging road or power and telephone line, a full survey with specifications by an engineer may be required.

In submitting a region's recommendations to the Director, the following features should be considered:

- Map (usually furnished by the applicant) showing proposed right-of-way location for the entire length, with ownership of private lands crossed and junctions with state or county

roads or with other private roads.

- Amount of timber to be cut from right-of-way, by species, and recommended charge to be made and method of disposal. Amount of snags, brush, and debris to be cleared from right-of-way, including method of disposal. Amount of clearing recommended in addition to that needed for road construction.
- Does the proposed location damage or interfere with future use of any possible camp or building site, log landing, etc., or damage any stream or meadow? Is relocation to prevent such damage feasible?
- Are all bridges, culverts, cattleguards, and other structures adequate for the purpose for which the road is to be used and for any subsequent use the state may wish to make of the road?
- Are the drainage specifications sufficient to prevent erosion both of the road and adjacent ground? Recommend any needed changes.
- Are the specifications of construction standards suitable for the type of use intended? Consider the width, curvature, grade, cuts, fills, and surface.
- Recommend any fire prevention measures needed in addition to those contained in state laws, such as clearing dry grass annually, etc.
- Are any present or future recreation values affected by the right-of-way? Discuss fully.
- For a power or telephone right-of-way, show on the map any private, state, or federal telephone line crossed or paralleled by the proposed line. Should applicant be required to reconstruct or relocate any lines to prevent interference? Specify in detail just what should be required of the applicant.
- Will granting this right-of-way interfere with any present or probable future state, public, or other private needs, or will it monopolize a strategic location?
- What other conditions should be included in the recommended draft of the right-of-way grant to protect state, public, or other private interests?
- Should noncommercial public use be provided? Are signs needed to regulate such use? Size? Location?
- Discuss any points affecting each application not covered above.

The Director is guided by the following principles when submitting a right-of-way application with his/her recommendation for approval to the Director of General Services:

- The right-of-way will be granted on a reciprocal basis where practicable.
- The state will have free use of such right-of-way.
- The state will reserve the right to cross, recross, and parallel any such right-of-way with any other right-of-way.
- The right-of-way will be limited to a minimum economical width, but in no case will it exceed 100 feet except for needed slopes and fills.
- The grantee of any such right-of-way will pay the state the current market value of timber necessarily cut or damaged in the construction, and the price and volume will be determined by the director. When payment is made, such timber will belong to the operator.
- The agreement or grant may provide that gravel, rock, and sand, as indicated by the Director, may be taken from state forest lands without charge and used by the grantee upon such right-of-way on state lands and that such material will be paid for at market value if the director permits such material to be used off state lands.
- The right-of-way will be of such time duration as will meet the reasonable needs of the grantee.
- The state will be reimbursed for any damage caused to state property in the construction or maintenance of the right-of-way.
- The grantee will hold the state harmless from any and all liability arising from the construction, maintenance, or use of such right-of-way.
- Where it appears that benefit will result to the state, any charge for such right-of-way will be reduced accordingly.
- All slash and snags will be disposed of on the right-of-way by the grantee, and the grantee will have the same responsibility for fire protection of any such right-of-way as is required by the state regarding fire protection on an operating area.

EASEMENTS ACROSS PRIVATE LANDS

5015.2

(May 1988)

When it appears desirable for the department to possess an easement across property owned by another party for any purpose, including fire control roads, timber access roads, firebreaks, and telephone lines, the matter will be discussed with the Director's office before negotiations are started in the field.

Increasing land values and the value of installations make it necessary for the department to obtain satisfactory easements. Any project work anticipated upon the proposed right-of-

way will require prior approval of the Director.

FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.

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